

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEANTHONY A. NASH,

Petitioner,

v.

Case No. 08-CV-534

RANDALL R. HEPP,

Respondent.

ORDER

On June 23, 2008, petitioner DeAnthony A. Nash ("Nash") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §§ 2241 and 2254, challenging his State of Wisconsin convictions and imprisonment. Nash has previously filed petitions under § 2254, thereby making his current petition successive as the Rules Governing Section 2254.

Under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), a district court may not consider a second or otherwise successive § 2254 petition unless the prisoner has previously obtained authorization from the appropriate court of appeals. Section 2244(b). If a prisoner files a successive § 2254 petition in a district court without having obtained such authorization, the court must dismiss it for want of subject matter jurisdiction. *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996). Although Nash purports to bring his habeas petition to pursuant to §§ 2241 and 2254, the § 2254 rules specifically state that the district court may apply them to other habeas petitions. See Rule 1(b) of the Rules Governing § 2254 Cases; see

also *Peoples v. Chatman*, 393 F.3d 1352, 1352 (11th Cir. 2004) (concluding that § 2241 petitions are subject to the same restrictions as § 2254 petitions); *Walker v. O'Brien*, 216 F.3d 626, 633 (7th Cir. 2000) (stating that "as a practical matter the requirements of § 2254 must be met by all state prisoners filing petitions for writs of habeas corpus after conviction").

Nash has filed a motion for an order authorizing a successive petition, but the Seventh Circuit denied his motion on July 16, 2008. Furthermore, the Seventh Circuit imposed a \$500.00 sanction upon Nash pursuant to its previous decisions in *Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997) and *Support Sys. Int'l v. Mack*, 45 F.3d 185 (7th Cir. 1995). Clearly, this court has no jurisdiction to consider Nash's current petition and it must be dismissed.

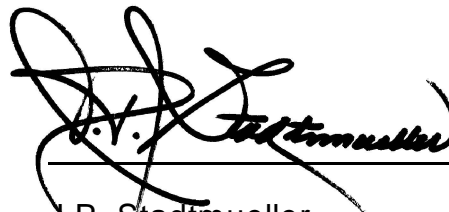
Accordingly,

IT IS ORDERED that Nash's petition pursuant to 28 U.S.C. §§ 2241 and 2254 be and the same is hereby **DISMISSED** for want of jurisdiction.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 24th day of July, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge